

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY FREITAS

Plaintiff

v.

RADIOSHACK CORPORATION,

Defendant.

No.: 1:05-cv-11343-RWZ

**JOINT PROPOSED
STATEMENT OF PRETRIAL SCHEDULE**

Pursuant to Local Rule 16.1(D) and in compliance with this Court's Notice of Scheduling Conference, plaintiff Anthony Freitas and defendant RadioShack Corporation ("RadioShack") hereby submit their Joint Proposed Statement in the above captioned action.

A. JOINT DISCOVERY PLAN

1. Automatic Disclosure

The parties will serve their automatic disclosures in compliance with Local Rule 26 within the time period set forth therein.

2. Expert Depositions

In addition to the fact depositions, the parties may also take expert depositions if necessary. Disclosure of expert witnesses shall be in accordance with applicable rules. Plaintiff will designate all experts, if any, that he intends to use ninety (90) days prior to the close of discovery and will disclose the expert(s) reports as required by Fed. R. Civ. P. 26(a)(2) at that time and the defendants will then have forty-five (45) days after plaintiff's designation of any expert witness(es) to designate their expert witness(es) and provide their expert(s) reports as

required by Fed. R. Civ. P. 26(a)(2). Plaintiff agrees to aid in the scheduling and taking of the deposition of Plaintiff's treating physician, if applicable, and to participate in an independent medical examination by Defendant's expert, if applicable.

B. PRE-TRIAL SCHEDULE

The following pre-trial schedule is proposed:

1. All fact discovery completed by March 3, 2006.
2. All expert discovery (including expert depositions) to commence upon the completion of fact discovery and be completed by April 7, 2006.
3. All Fed. R. Civ. P. Rule 56 motions to be filed forty-five (45) days after the close of all discovery.
4. All oppositions to Fed. R. Civ. P. Rule 56 motions shall be filed thirty (30) days after receipt of the Rule 56 motion.
5. A reply brief to the opposition shall be permitted by the parties and may be filed fifteen (15) days after receipt of the Rule 56 opposition.
6. A Pre-Trial Conference to be held thirty (30) days after a decision on any Rule 56 motion.

C. MODIFICATION

Pursuant to Local Rule 16.1(G), the provisions of this scheduling order can be modified by order of the judge, or the magistrate judge if so authorized by the judge, upon a showing of good cause supported by affidavits, other evidentiary materials, or references to pertinent portions of the record.

D. SETTLEMENT DEMAND

Plaintiff has communicated a settlement proposal upon counsel for RadioShack, pursuant to Local Rule 16.1(C) and defense counsel has communicated plaintiff's proposed settlement

offer to its client. In response, Defendant has proffered a verbal settlement offer to counsel for Plaintiff.

E. MAGISTRATE JUDGE

The parties do not consent to the trial of this matter by a magistrate judge.

F. RULE 16.1(D)(3) CERTIFICATIONS

The parties' certifications pursuant to Local Rule 16.1(D)(3) will be separately served and filed.

Respectfully submitted,

ANTHONY FREITAS
By his attorney,

____s/ Ara Margosian____
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By its attorneys,

____s/ Jeffrey S. Siegel____
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Dated: August 9, 2005